

Deficiency Progress Report – Update 8

Report Submitted: June 11, 2008

CUPA: Madera County Environmental Health

Evaluation Date: June 6 and 7, 2006

Evaluation Team:

Kareem Taylor, Cal/EPA
Tom Asoo, DTSC
Jack Harrah, OES
Terry Snyder, SWRCB
Francis Mateo, OSFM

Corrected Deficiencies: [1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14](#)

[Please update the deficiencies below that remain outstanding.](#)

2. Deficiency: The CUPA has not inspected any CalARP facilities once every three years as required by law.

Preliminary Corrective Actions: Immediately, the CUPA will train adequate staff personnel to implement the CalARP Program.

By September 30, 2007, perform routine inspections on a third of all CalARP facilities in Madera County for FY 06/07. Continue this process into the proceeding fiscal years taking care to perform a routine inspection on each facility once every three years.

CUPA's 4th Update: We had originally planned to start inspections in April or May 2007 with Program Level One facilities. However, we do not have any RMPs submitted for that Program Level and will start our inspections of Program 2 and 3 facilities. We have finished the completeness review for two RMPs and have scheduled RMP inspections for these two facilities to be conducted in June 2007. 2 CalARP inspections will be completed this fiscal year.

Cal/EPA's 4th Response: [It sounds like the CUPA is on its way to implementing the CalARP program inspections. On the next status report, provide the number of CalARP inspections performed.](#)

CUPA's 5th Update: The CUPA did not conduct a CalARP inspection/audit because we had not completed the review of the RMPs and received the requested additional documents. One of the two facilities is a large winery and requested that we delay the CalARP inspection until after the grape crush occurs

in the fall. We will prepare and conduct inspection/audits on these two facilities during the next quarter. See Deficiency #7 for more details.

Cal/EPA's 5th Response: On the next status report, provide an update on the status of this deficiency.

CUPA's 6th Update: The CUPA has conducted inspection/audits at two Program 3 CalARP facilities during this quarter. The CUPA also published one public notice of receipt of an RMP that is currently under review. In addition, the CUPA received one Registration document from a new site that had received initial notification in June 2007.

Cal/EPA's 6th Response: The CUPA has made excellent progress on its CalARP inspections. On the next status report, please provide an update on the CUPA's progress toward correction of this deficiency. Once the CUPA has inspected at least one-third of its stationary sources (6, from the latest summary report) within a 12-month period, Cal/EPA and OES will consider this deficiency corrected.

CUPA's 7th Update: The CUPA hired an experienced CalARP inspector on full-time temporary basis to establish the CalARP program. The inspector started work on January 14, 2008. During this reporting quarter, most of the seven RMPs that had been previously submitted have been reviewed and found to be deficient. Letters have been written to these facilities regarding the incomplete RMP submission and requiring further documentation. The evaluation review for Program 3 facilities has begun.

All facilities new to the CalARP had previously been notified. At this time we are following up by working with those facilities and/or their consultants to ensure that the RMP submission will contain all of the required elements.

Two PHAs were attended during this quarter.

Cal/EPA's 7th Response: Please refer to OES's response.

- **OES's Response:** The CUPA has made excellent progress on the overall implementation of its CalARP program. However, the CUPA's latest response did not report any further inspections. On the next progress report, please provide an update on the CUPA's progress toward correction of this deficiency. Once the CUPA has inspected at least one-third of its stationary sources (6, from the latest summary report) within a 12-month period, Cal/EPA and OES will consider this deficiency corrected.

CUPA's 8th Update: In the last three-month reporting period, CalARP inspections were conducted at 5 Program 3 facilities and 1 Program 2 facility. 3 PHAs were attended, and 1 submitted RMP was approved. At this time RMPs

are being prepared by 3 facilities that have Program 2 processes. They will be submitted to this office in the next two months. Five previously submitted RMPs are currently in various stages of the review process.

Cal/EPA's 8th Response: Cal/EPA and OES consider this deficiency corrected.

6. Deficiency: The CUPA is not implementing and enforcing the requirements of the Business Plan Program for all businesses subject to the requirements of Chapter 6.95, Article 1. Specifically, agricultural handlers have neither been regulated, nor properly exempted from the requirements of the Business Plan program.

Preliminary Corrective Actions: By September 7, 2006, submit a plan of action outlining how the CUPA will either require a Business Plan from agricultural handlers, or exempt these businesses from the requirements of the program. Include a proposed time-line for this plan.

CUPA's 4th Update: The CUPA has evaluated the list of businesses that are currently regulated in the Hazardous Material Business Plan program. We have determined that we are regulating at least 20 agricultural handlers already.

During this quarter, the CUPA gave a PowerPoint presentation introducing the program to the Madera County Farm Bureau Board of Directors.

A Packet was developed and mailed which included:

1. An Introductory Letter to the Agricultural Community, which including a Schedule of Workshops
2. Frequently Asked Questions,
3. Business Plan Exemption Statement,
4. List of EHS's and their threshold quantities,

This packet (included) was sent to one third (310) of the pesticide permit holders on the list that was obtained from the Agricultural Commissioner's office. The packet was mailed on June 5, 2007. The deadline for submission from this group is September 1, 2007. There has been an immediate response to the mailer and we are receiving many exemption statements from those who have chemicals below threshold quantities.

The CUPA has scheduled three workshops in order to provide information on the program and assistance in completing the forms. The workshops are scheduled for July 18, August 1, and August 15, 2007.

Cal/EPA's 4th Response: The CUPA is making excellent progress. On the next status report, provide an update on the status of this deficiency.

CUPA's 5th Update: In early June 2007, 310 packets were sent to pesticide permit holders. This represents one third of the pesticide permit holders from the list provided by the Agricultural Commissioner's office. We presented a brief training to the Ag Commissioner's staff to familiarize them with the program and to forward questions to the CUPA. Three workshops were held for the Ag handlers to introduce the program and assist with the submission of forms. A submission deadline of September 1, 2007 was given for this first group. The response has been good. To this date we have received over 100 responses. 62 have submitted statements that they do not have hazardous materials above threshold quantities. 6 have applied for and been granted remote site exemptions. 13 have applied for and been granted specific exemptions for up to 1,000 gallons of diesel fuel only, which the CUPA is granting in accordance with H & S Code Section 25503.5(c)(3). We are logging in responses and requesting additional information when required. We will be notifying the second third of the pesticide permit holders soon and giving a deadline of January 1, 2008 for submission. Once again, three workshops will be scheduled. Second notices will be sent to those Ag handlers in the first group who have not responded. They will be invited to attend the workshops as well.

Cal/EPA's 5th Response: While farms are not completely under Business Plan Program regulation, the CUPA has made tremendous progress. Cal/EPA and OES considers this deficiency corrected.

7. Deficiency: The CUPA is not fully implementing the CalARP Program. RMPs have not been obtained from all participants in the federal RMP program. The CUPA has not fully identified all potential California-only stationary sources, and has done no preliminary risk determinations.

Preliminary Corrective Actions: By September 7, 2006, submit a plan of action outlining how the CUPA proposes to fully implement the CalARP Program. Include a proposed time-line for this plan.

CUPA's 4th Update: The CUPA has determined that 20 currently operating facilities subject to CalARP have stationary sources in Madera County. One facility is shut down as the result of a fire and will be required to submit an RMP prior to reopening. The CUPA invoiced 20 facilities for the CalARP surcharge with the 2007 annual invoice. The CUPA included a brief informational letter with the annual invoice to those new businesses that we have identified as being subject to CalARP.

We have received RMPs from 7 Federal RMP facilities and from 1 California-only facility. One Federal RMP stationary source has deregistered in violation of the law. The CUPA published initial notification of receipt of RMP for 5 facilities on May 3, 2007 in the local newspaper. The completeness review of these RMPs has been initiated.

The CUPA was invited and participated in Process Safety Management and Process Hazard Analysis meetings conducted on May 8 and 9 at one of our RMP facilities. An RMP from this facility is expected in late June.

We have developed a CalARP registration form (included) and an inspection form for each Program level (also included). The CUPA is using a CalARP spreadsheet checklist to track: initial notification, public notification, completeness review, RMP review, etc., for each regulated facility.

The CUPA has determined ten additional businesses have stationary sources and are required to submit an RMP. Although the regulations state that a facility be given one year from notification to submit an RMP, we have a list of facilities that were initially notified in 1999, although there was no follow up. We have sent notification letters to the remaining facilities that are subject to CalARP. We have required pre-registration within 6 months from the date of the letter and RMP submission deadlines either 9 months or 12 months from the date of the letter. The facilities that were given a 9-month deadline were facilities that had received a notice in 1999.

Cal/EPA's 4th Response: The CUPA is making excellent progress. On the next status report, provide the number of RMPs received.

CUPA's 5th Update: The CUPA has received RMPs from 7 Federal and 1 California-only facility. We conducted a completeness review for two of the Federal RMPs, and published the required public notice. Notification letters have been sent to 3 Federal facilities, 10 CalARP facilities, and two facilities have contacted us and have begun preparing RMPs prior to notification. One CalARP removed the ammonia from the refrigeration system and shut it down after notification. The notification letters gave each facility one year from the date of the notice to submit an RMP, but gave an earlier date for submission of registration. Registration dates are staggered throughout the year.

Our plan for the upcoming quarter is to conduct a completeness review on at least three more of the RMPs that we have received and complete two RMP inspection/audits.

Cal/EPA's 5th Response: The CUPA has made impressive progress on correcting this deficiency. Cal/EPA and OES considers this deficiency corrected.

8. Deficiency: The CUPA has not met the mandated inspection frequency for UST facility compliance inspections the last three fiscal years.

Preliminary Corrective Actions: Immediately, the CUPA will develop and implement a plan to inspect all UST facilities annually.

By July 30, 2007, perform routine inspections on all UST facilities in Madera County for FY 06/07. Completion of UST inspections should be reflected in the CUPA's Annual Summary Report 3 and Quarterly Report 6.

CUPA's 4th Update: We have continued to collect monthly inspection tallies at CUPA staff meetings and 11 months into the 06-07 fiscal year we have conducted:

74 (end of May) UST Inspections (annual goal: 77 inspections).

With only one month left in the fiscal year, the CUPA is on track to meet the inspection goals for this fiscal year.

Cal/EPA's 4th Response: The water board has requested that the CUPA provided the total number of UST facilities that have been routinely inspected for April and May of 2007. The concern is that according to the Report 6s for the past 3 quarters (9 months), the CUPA has averaged a little over 5 inspections per month. The CUPA would have needed to conduct 26 routine inspections for the months of April and May of 2007 (an average of 13 for those 2 months). Please email the requested information to me by July 3, 2007.

Cal/EPA's Additional 4th Response: Madera's email response sent on 6-28-07 was sufficient to correct this deficiency.

10. Deficiency: The CUPA did not conduct a complete oversight inspection. During the inspection it was identified that the generator is a Large Quantity Generator with different standards than a Small Quantity Generator. The CUPA inspector did not add violations relating to Large Quantity Generator standards, such as, lack of tank integrity and secondary containment assessment, incomplete Contingency Plan requirements, and inadequate training documentation.

Preliminary Corrective Actions: By December 7, 2006, the CUPA shall ensure that staff is adequately trained to conduct inspections at Large Quantity Generators. The CUPA shall focus training to help staff become proficient in enforcing hazardous waste standards such as Large Quantity Generator Standards, identifying onsite treatment, and onsite recycling. DTSC strongly recommends California Compliance School training. Their hazardous waste training module is a good foundation course for hazardous waste generator, tiered permitting, and recycling standards.

CUPA's 4th Update: The CUPA sends inspectors to as many training classes as possible. In the past year we have sent inspectors to local hazardous waste training on topics such as New Manifest, Hazardous Waste Tracking System, and Environmental Chemistry. Three of our staff attended the CUPA Annual Training Conference and attended sessions covering Hazardous Waste

Classification, Accumulation, Labeling and Recordkeeping, Point of Generation and Tiered Permitting. Our Large Quantity Generator Inspection form has been revised (included) and is currently being used.

Cal/EPA's 4th Response: DTSC has updated the CUPA's LQG checklist. The checklist is enclosed in Cal/EPA's response email. Cal/EPA considers this deficiency corrected. Please refer to DTSC's response below.

- **DTSC Response:** DTSC appreciates the efforts of the CUPA to develop and implement a checklist of rules applicable to Large Quantity Generators in an effort to provide additional guidance to its inspectors. DTSC considers this deficiency corrected.